



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

Issued by the Department of Transportation on February 4, 2000

NOTICE OF ACTION TAKEN -- DOCKET OST-2000-6794

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of Continental Airlines, Inc. filed 1/13/00 for:

XX Exemption under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between Houston, Texas, and Santa Cruz, Bolivia, via Lima, Peru.¹ Continental has requested the authority for an indefinite duration.

XX Allocation of three weekly Peru-Bolivia fifth-freedom frequencies to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between Houston, Texas, and Santa Cruz, Bolivia, via Lima, Peru, with local traffic rights between Lima and Santa Cruz.

XX Allocation of seven weekly Peru-Chile fifth-freedom frequencies to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between New York/Newark and Santiago, Chile, via Lima Peru, with local traffic rights between Lima and Santiago.²

Applicant rep: R. Bruce Keiner, Jr. (202) 624-2500 DOT Analyst: Sylvia Moore (202) 366-6519

DISPOSITION

XX **Granted** (subject to conditions, see below)

XX **Balance dismissed** (i.e., for longer-term exemption authority)

The exemption authority granted was effective when taken: February 4, 2000, through February 4, 2002

The frequency allocations were effective when taken: February 4, 2000, through June 11, 2001³

**Action taken by: Paul L. Gretch, Director
Office of International Aviation**

XX The authority granted is consistent with the aviation agreements between the United States and Bolivia, the United States and Peru, and the United States and Chile.

(See Reverse Side)

¹ Continental holds certificate authority in the Houston-Lima market on Route 699, and route integration authority to combine its certificate and exemption authorities.

² Continental holds certificate authority in the U.S.-Chile market on Route 29-F, and route integration authority to combine its certificate and exemption authorities.

³ Frequency restrictions on U.S.-Peru fifth-freedom combination service expire on June 12, 2001.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX Holder's certificate of public convenience and necessity**
XX Standard exemption conditions (attached)

Conditions: Consistent with our standard practice, the frequency allocations granted are subject to the condition that they will expire automatically and the frequencies will revert to the Department for reallocation if they are not used for a period of 90 days. The 90-day dormancy period would begin June 15, 2000, Continental's proposed start-up date for these services.

Dismissal: Consistent with our standard practice for this type of application, we granted Continental's exemption for a period of two years, and dismissed its request for longer-term exemption authority.

On the basis of data officially noticeable under Rule 24(n) of the Department's regulations, we found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; and (2) grant of the authority was consistent with the public interest; and (3) grant of the authority would not constitute a "major regulatory action" under the Energy, Policy and Conservation Act of 1975. To the extent not granted or dismissed, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*